

## **PLANNING COMMISSION MINUTES**

**September 3, 2013**

**7:00 pm**

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Planning Commission Members Von Hill, Sean Monson, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Absent: Planning Commission Members Michael Allen and Sharon Spratley.

Chairman Tom Smith welcomed all those present and explained the purpose for the Planning Commission.

### **1. Approval of the minutes for August 20, 2013.**

Beth Holbrook made a motion to approve the minutes for August 20, 2013 as written. Sean Monson seconded the motion and voting was unanimous in favor.

### **2. Consider preliminary subdivision approval for Indian Springs Subdivision located at 551 E. Indian Springs Road, Barrett Peterson, applicant.**

Barrett Peterson, applicant, was present. Paul Rowland explained that Mr. Peterson is proposing a four lot, residential subdivision at 551 East Indian Springs Road. The property as currently constituted is 5.6 acres in size, and is improved with a legal, non-conforming residential structure that is divided into three dwelling units. There are also several accessory uses, such as a detached garage, tennis court, etc. The property, which is located in the R-3 Zone, is served by all required utilities and is adjacent to an improved street; however, North Canyon Creek separates the buildable areas from the improved street, which complicates the design process.

The proposed subdivision is composed of four lots, ranging in size from 1.13 acres to 1.77 acres, well in excess of the required minimum for the zone. The lot with the least frontage has over 150 ft. of frontage – also substantially more than the required minimum.

Mr. Rowland explained that the existing tri-plex was originally constructed as a club house for a proposed recreational development in the unincorporated county long before the area was annexed into Bountiful City. When the recreation development failed, the club house was divided into three dwelling units and has been occupied as such for over 40 years. The tri-plex building will remain as an existing non-conforming dwelling and, along with the tennis courts, will occupy one of the four proposed lots. The proposed lot it occupies is large enough and has enough frontage so that if the tri-plex arrangement is removed in the future, the lot can be divided into three separate single family lots. The remaining three lots have buildable pads much larger than the required 3,000 s.f. minimum.

Because the property is already occupied by a residential dwelling, all of the necessary utilities are available either on the property, or in Indian Springs Road. The property is crossed by two separate sewer main lines, one skirting along the north property line, and one cutting across the west two proposed lots. That reduces the number of cuts into Indian Springs Road required to provide services to the lots.

Mr. Rowland continued to explain that North Canyon Creek runs along the south side of the property near the street. The new building pads are all north of the creek and will require three new culverts for access. Davis County Flood Control and the State of Utah have reviewed the plans for the necessary permits. The County has stated that the permit for these crossings will be issued and the State has indicated that pending the required comment period, they will issue a Stream Alteration Permit. Storm water runoff from the new building pads will continue to follow the natural contour of the ground and drain into the existing creek channel. The developer has shown on his proposed preliminary site plans that all of the lots can be built upon without encroaching on the currently mapped 100 year FEMA Flood Hazard Zone.

Both Lot 1 and Lot 2, which are crossed by the sewer main line easement, show building pads nearer and farther from the street. The farther pads would place the homes beyond 200 ft. from the street and would require on site fire hydrants and possibly residential fire sprinklers in the buildings. The need for larger fire lines into these properties will be determined at the time the individual building plans are submitted.

The proposed site plan has been reviewed by the Engineering Department and Planning Department, and the proposed PUD plat has been given a complete technical review by the Engineering Department.

The three new creek crossings will have an impact on North Canyon Creek and these potential impacts have been reviewed by Davis County Flood Control and the State of Utah.

Staff recommends preliminary subdivision approval of the Indian Springs Ridge Subdivision with the following conditions:

1. Final permits are obtained from Davis County Flood Control and the State of Utah.
2. The applicant makes any redline corrections and submits a final subdivision plat within the statutory time period.

Barrett Peterson explained that there will be four separate properties, but the lot with the tri-plex and the tennis court will probably still be shared by all property owners. He also mentioned that Bountiful has a great Staff and has been great to work with.

There was a discussion regarding the occupancy of the existing units and future possibility of dividing Lot 3 into three additional lots when the tri-plex is torn down.

Sean Monson made a motion to recommend to the City Council preliminary subdivision approval for Indian Springs Ridge Subdivision subject to the conditions outlined by Staff. Dave Badham seconded the motion and voting was unanimous in favor.

**3. PUBLIC HEARING – Consider a Conditional Use Permit to construct a pole sign that contains an electronic message center for Gordon’s Copy & Print located at 29 W. 400 N., Stacy Baker, applicant.**

Stacy Baker, applicant, was present. Aric Jensen explained that Mr. Gordon Holbrook, owner of Gordon’s Copy and Print, is requesting a conditional use permit to construct/replace an existing manually changeable copy sign with an electronic message center, at 29 W. 400 N. The subject property is located in the Downtown (DN) zone, which allows electronic message centers as a conditional use, but only as part of a legally existing sign located on 400 North or 500 South.

The subject property is currently improved with a pole sign, which has been in existence since at least 1976. The proposal is to remove the manually changeable message area of the sign, which is approximately 4’ x 8’, and to replace it with an electronic message center (EMC) of the same dimensions.

The existing pole sign is double sided, and faces generally east-west. The proposed ECM is also double faced and 32 sq ft in size on each side, which is the maximum allowed, and constitutes less than 50% of the entire sign area, as required by ordinance.

The following is a copy of the Bountiful Land Use Ordinance to be used when considering conditional use permits:

**14-2-506 DETERMINATION**

*A. A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.*

*B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or if the imposition of reasonable conditions to achieve compliance with applicable standards is not possible, the conditional use permit request may be denied.*

*C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:*

- 1. The location of the proposed use in relationship to other existing uses in the general vicinity.*
- 2. The effects of the proposed use and/or accompanying improvements on existing developments in the general vicinity;*

3. *The appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area.*

4. *The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.*

At the Commission meeting of August 20<sup>th</sup>, the Commission reviewed the proposed ECM for Goldenwest Credit Union, which was approved with the following conditions:

1. The sign shall be operated in accordance with the provisions of the Bountiful City Code,
2. The applicant shall obtain a building permit before commencing construction,
3. Any and all fees shall be paid,
4. The sign shall be turned off between the hours of 11 pm and 6 am (consistent with the existing noise ordinance provisions)
5. The sign installer shall provide the City written evidence that the sign was installed according to the provisions of the sign ordinance.

Staff recommends approving the Gordon's Copy and Print ECM with the same conditions.

Staff also noted that due to the location of the surrounding buildings, there are no residences within 500 ft that have a direct line of sight. The only anticipated impacts are to vehicles/drivers and commercial property owners.

Grant conditional use approval of the proposed electronic message center as presented with the following conditions:

1. The sign shall be operated in accordance with the provisions of the Bountiful City Code,
2. The applicant shall obtain a building permit before commencing construction,
3. Any and all fees shall be paid,
4. The sign shall be turned off between the hours of 11 pm and 6 am (consistent with the existing noise ordinance provisions),
5. The sign installer shall provide the City written evidence that the sign was installed according to the provisions of the sign ordinance.

Stacey Baker explained that the sign will be programmed with a timer to regulate on/off times and will also be programmed for the brightness of the sign depending on the time of day.

The public hearing was opened for all those with comments and concerns.

Hart Weseman, owner of Bountiful Antiques located at 399 N. Main, is in favor of the sign. He feels that it will be a welcome addition to the business complex and neighborhood.

Councilman Tom Tolman is also in favor of the sign. He feels that this is a step forward for the City.

The public hearing was closed without further comments.

There was a discussion regarding the times of use for the sign and other types of signs allowed on 400 North.

Von Hill made a motion to grant conditional use approval of the Gordon Copy & Print electronic message center located at 29 W. 400 N. subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and the motion passed 4-1 with Tom Smith voting nay.

**4. Planning Director's report and miscellaneous business.**

Aric Jensen mentioned that there will be a meeting held on September 17, 2012 to consider amendments to Title 14 in regard to Second Hand Merchants.

Meeting adjourned at 7:45 pm